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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.
09/292,839	04/14/99	DILorenzo	M ITMEN.50639

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EXAMINER

CRAWFORD, G

ART UNIT	PAPER NUMBER
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3651

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DATE MAILED:

09/11/00

Please find below and/or attached an Office communication concerning this application or proceeding.

Commissioner of Patents and Trademarks

Office Action Summary

Application No.
09/292,839

Applicant(s)
DiLorenzo

Examiner
Gene Crawford

Group Art Unit
3651



☐ Responsive to communication(s) filed on _____.

☐ This action is **FINAL**.

☐ Since this application is in condition for allowance except for formal matters, **prosecution as to the merits is closed** in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11; 453 O.G. 213.

A shortened statutory period for response to this action is set to expire 3 month(s), or thirty days, whichever is longer, from the mailing date of this communication. Failure to respond within the period for response will cause the application to become abandoned. (35 U.S.C. § 133). Extensions of time may be obtained under the provisions of 37 CFR 1.136(a).

Disposition of Claims

☒ Claim(s) 1-27 is/are pending in the application.

Of the above, claim(s) _____ is/are withdrawn from consideration.

☐ Claim(s) _____ is/are allowed.

☒ Claim(s) 1-16, 18-22, and 24-27 is/are rejected.

☒ Claim(s) 17 and 23 is/are objected to.

☐ Claims _____ are subject to restriction or election requirement.

Application Papers

☒ See the attached Notice of Draftsperson's Patent Drawing Review, PTO-948.

☐ The drawing(s) filed on _____ is/are objected to by the Examiner.

☐ The proposed drawing correction, filed on _____ is ☐ approved ☐ disapproved.

☐ The specification is objected to by the Examiner.

☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. § 119

☐ Acknowledgement is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d).

☐ All ☐ Some* ☐ None of the CERTIFIED copies of the priority documents have been
☐ received.

☐ received in Application No. (Series Code/Serial Number) _____.

☐ received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

*Certified copies not received: _____.

☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e).

Attachment(s)

☒ Notice of References Cited, PTO-892

☒ Information Disclosure Statement(s), PTO-1449, Paper No(s). 3

☐ Interview Summary, PTO-413

☒ Notice of Draftsperson's Patent Drawing Review, PTO-948

☐ Notice of Informal Patent Application, PTO-152

--- SEE OFFICE ACTION ON THE FOLLOWING PAGES ---

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DETAILED ACTION

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless --

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. Claims 1-6, 9-11, 15, 19, 20, 21, 25 and 26 are rejected under 35 U.S.C. 102(b) as being anticipated by Martin et al.('302).

The method of providing media disclosed by Martin et al. includes all the claimed features and in particular includes method including the steps of storing a plurality of acquisition media at an in-room system 13; storing a plurality of access-only media at the head-end system 11; at each in-room system 13, providing access to each access-only media to assist the user in media acquisition choices (column 5, lines 44-48); recording and tracking the acquisition of any media at the head-end system (column 3, lines 46-68); wherein the acquisition media and access only media comprises devices storing audio data such as CD's, DAT's, etc. (column 4, lines 4-21); and transmitting each of the access-only media over communications lines at a unique frequency unique to each in-room system 13 (column 3, lines 25-35).

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Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 1 and 6-8 are rejected under 35 U.S.C. 103(a) as being unpatentable over Martin et al. ('302) in view of Tsevdos et al.

With regard to claims 7 and 8, Martin et al. disclose all the claimed features but does not disclose the acquisition media comprises any one of a CD, DVD, and a video cassette or a DVD. However, Tsevdos et al. discloses the broad teaching of providing a media distribution system having a head-end system supplying a plurality of slave systems in which acquisition media of the slave systems is comprised of CDS, cassette tapes, CD ROM technology, video disks, or similar recording devices (Abstract). It would have been obvious to one of ordinary skill in the art to provide the method disclosed by Martin et al. include acquisition media comprising one of CDS, cassette tapes, video cassettes or DVD such requiring the mere choice of an art recognized devices used in recording audio/video transmissions as taught by Tsevdos et al.

5. Claims 1, 12-14, 16, 18, 21, 22 and 24 are rejected under 35 U.S.C. 103(a) as being unpatentable over Martin et al. ('302) in view of Durbin.

With regard to claims 12-14, 16, 18, 22, and 24, Martin et al. discloses a method of recording the access of acquisition media from a in-room system 13 but does not disclose the

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method of storing a signal with a room identifier and a media acquisition identifier or a price table. However, Durbin discloses the broad teaching of providing the broad teaching of providing a hotel vending system having a master control unit 10 with a method of storing a signal encoded with a room identifier (column 4, lines 13-30) and a item acquisition identifier (column 3, lines 55-68) and storing a price table for charging an associated price with the item (column 7, lines 55-66). It would have been obvious to one of ordinary skill in the art to provide the system of Martin et al. include a method of storing a signal with a location identifier and a price table for charging an associated price to allow the central control unit to track the location of a purchase as well as the particular vending unit as taught by Durbin.

6. Claim 27 is rejected under 35 U.S.C. 102(b) as anticipated by or, in the alternative, under 35 U.S.C. 103(a) as obvious over Martin et al ('302).

The method of providing media disclosed by Martin et al. includes a method including the steps of storing a plurality of acquisition media at an in-room system 13; storing a plurality of access-only media at the head-end system 11; at each in-room system 13, providing access to each access-only media to assist the user in media acquisition choices (column 5, lines 44-48); and transmitting each of the access-only media over communications lines at a unique frequency unique to each in-room system 13 (column 3, lines 25-35). Martin et al. does not disclose a plurality of head-end systems receiving from a remote host. However, this appears to be an obvious design choice and expedient because it simply amounts to a duplication of parts.

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Allowable Subject Matter

7. Claims 17 and 23 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

8. The following is a statement of reasons for the indication of allowable subject matter: A method where 'upon sensing the access of one of the access-only media, activating a free-sample timer; monitoring the in-room system for continued access to the accessed media; and if the accessed media is accessed throughout the free-sample time allotted, proceeding with the storing, transmitting, and processing steps' in combination with the rest of the claim language was not made obvious over the prior art.

Conclusion

9. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. The following are cited to show the art with respect to media acquisition systems with remote master hosts: Wiedemer, Martin et al.('889), Allen, Kielman, and Martin et al.('398).

10. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Gene Crawford whose telephone number is (703) 305-9733. The examiner can normally be reached Monday thru Thursday.

If attempts to reach the examiner are unsuccessful, the examiner's supervisor Christopher Ellis can be reached at (703) 308-1113. The fax numbers for the organization where this

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application or proceeding is assigned are (703) 305-3597 for regular communications and
(703) 305-3597 for After Final communications.

GC *gc 9/7/00*
September 7, 2000

CP Ellis 9/7/00

CHRISTOPHER P. ELLIS
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 3600